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**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Trustee-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (BRL)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Trustee,

v.

SNS BANK N.V., and SNS GLOBAL  
CUSTODY B.V.,

Defendants.

Adv. Pro. No. 12-01046 (BRL)

**NOTICE OF DEFENDANTS' MOTION TO WITHDRAW THE REFERENCE**

PLEASE TAKE NOTICE that defendants SNS Bank N.V. and SNS Global Custody B.V. (collectively, the “SNS Defendants”), by and through their undersigned attorneys, respectfully move the United States District Court for the Southern District of New York (the “Court”) for an order, pursuant to 28 U.S.C. § 157(d), Federal Rule of Bankruptcy Procedure 5011, and Local Bankruptcy Rule 5011-1, withdrawing the reference of the above-captioned adversary proceeding to the U.S. Bankruptcy Court for the Southern District of New York for the reasons set forth in the accompanying Memorandum of Law in Support of Defendants’ Motion to Withdraw the Reference, the Declaration of George W. Shuster, Jr. in Support of Defendants’ Motion to Withdraw the Reference, and the exhibit thereto.<sup>1</sup>

The SNS Defendants have made no prior request to this Court or any other court for the relief sought herein.

WHEREFORE, the SNS Defendants respectfully request that the Court enter an order granting the relief requested herein, and such other and further relief as the Court deems just and appropriate.

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<sup>1</sup> The SNS Defendants—foreign financial institutions that are entitled to service of process (if process may be properly served in this action) in accordance with the Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters—received putative service of the complaint commencing this adversary proceeding on March 29, 2012. As a result, the SNS Defendants take the position that the Bankruptcy Court’s Administrative Order Establishing Deadline for Filing Motions to Withdraw the Reference, dated March 5, 2012 (the “Order”), which was not served upon them (in contravention of the requirements of the Order itself) should not, as a matter of due process, apply to them. Nevertheless, because the Order does not expressly state that it does not apply to circumstances such as those of the SNS Defendants, out of an abundance of caution, the SNS Defendants are filing this Memorandum and the corresponding Motion by the April 2, 2012 deadline the Order established. The SNS Defendants do not, by filing this Memorandum and the corresponding Motion or otherwise, submit to or consent to the jurisdiction of any court or admit any fact or waive any right or defense, including, without limitation, regarding the adequacy of service and the personal jurisdiction of any court over the SNS Defendants, all of which rights and defenses are expressly reserved. Without limiting the foregoing, the SNS Defendants do not consent to the entry of any final order by the Bankruptcy Court on any issue or matter.

Dated: March 30, 2012  
New York, New York

Respectfully submitted,

WILMER CUTLER PICKERING HALE  
AND DORR LLP

By: /s/ George W. Shuster, Jr.  
Andrea J. Robinson  
Charles C. Platt  
George W. Shuster, Jr.

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